

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROY TAYLOR,

Plaintiff,

-v.-

NEW YORK CITY,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/30/2021

20-cv-05036 (MKV)

ORDER

MARY KAY VYSKOCIL, District Judge:

Defendant has moved to dismiss Plaintiff's complaint. *See* ECF No. 21. In response, Plaintiff has sought to amend his complaint and to stay his time to respond to the motion to dismiss. *See* ECF Nos. 25, 29, 39. Plaintiff's motion for leave to file an amended complaint is GRANTED. Plaintiff must file, on or before September 30, 2021, an amended complaint containing all claims and information on which he seeks to rely in this case. To the extent Plaintiff seeks discovery from the City related to his claims, Plaintiff may file a letter to the Court requesting leave to seek documents or other evidence. Any letter must clearly define what information Plaintiff seeks from the City.

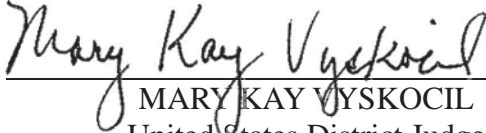
Once Plaintiff's amended complaint has been filed, the City of New York must respond to the complaint within the time specified by the Federal Rules of Civil Procedure. Because the City has indicated that it intends to move to dismiss any new complaint [ECF No. 34 at 3], the City may file a motion to dismiss any new complaint without filing a pre-motion letter in advance. In light of the expected amendment of Plaintiff's complaint, the City's pending motion to dismiss the complaint [ECF No. 21] is DENIED AS MOOT.

Plaintiff also has moved [ECF Nos. 26, 35, 42, 44] for the Court to reconsider the order denying Plaintiff's motion for a preliminary injunction. *See* Order Denying Preliminary Injunction, ECF No. 17. To the extent Plaintiff seeks for the Court to revisit that order, the motion is DENIED. Plaintiff has not met his burden to show "an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." *Doe v. N.Y.C. Dep't of Soc. Servs.*, 709 F.2d 782, 789 (2d Cir. 1983) (quotation marks omitted). For the reasons stated in the Court's February 8, 2021 Opinion and Order, Plaintiff's motions for reconsideration of the Court's previous decision are denied.

The Clerk of Court respectfully is requested to mail a copy of this Order to Plaintiff and to close the motions at ECF Nos. 21, 25, 26, 29, 34, 35, 39, 42 and 44,

SO ORDERED.

Dated: August 30, 2021
New York, New York



MARY KAY VYSKOCIL
United States District Judge